

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RED BARN MOTORS, INC.,	)	CASE NO. 1:14-cv-01589-TWP-DKL
	)	
Plaintiff,	)	
	)	
vs.	)	
	)	
NEXTGEAR CAPITAL, INC.,	)	
	)	
Defendant.	)	

**STIPULATION AS TO LEAVE TO AMEND AND RESPONSE DEADLINE**

Plaintiff Red Barn Motors, Inc. (“Red Barn”) and Defendant NextGear Capital, Inc. (“NextGear”), by their respective undersigned counsel, hereby stipulate as follows:

1. On January 8, 2016, Plaintiff filed its Motion for Leave to File Verified Amended Complaint with other would-be new plaintiffs, asserting new claims and naming new defendants [Dkt. 89].

2. On January 22, 2016, the Court entered its Order Granting Motion for Extension of Time to March 1, 2016 for NextGear to file its Answer to Plaintiff’s Original Complaint and to file any response to Plaintiff’s Motion for Leave to File Verified Amended Complaint.

3. While NextGear believes various claims in the Amended Complaint fail as a matter of law, and reserves all rights, defenses, and counterclaims in that regard, in an effort to streamline briefing, the parties hereby stipulate that the Motion for Leave to Amend (Dkt. 89) be granted and that the Defendants

shall have to and including April 15, 2016 in which to file their response to the Verified Amended Complaint.

4. The parties further stipulate that, because NextGear is not objecting to the Motion for Leave to File Verified Amended Complaint, there is no need for NextGear to file an Answer or other response to the Original Complaint.

WHEREFORE, the parties request the Court enter the attached proposed and agreed Order.

Stipulated and agreed to, this 29<sup>th</sup> day of February, 2016, by:

Respectfully submitted,

/s/ David J. Jurkiewicz

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Stipulation has been served upon the following counsel of record via the Courts electronic service notification system, this 29<sup>th</sup> day of February, 2016:

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I further certify that on the 29<sup>th</sup> day of February, 2016, a copy of the foregoing Stipulation was mailed by first-class United States mail, postage prepaid, and properly addressed to the following:

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